

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK JEFFREY MILLS,

Petitioner,

CRIMINAL CASE NO.: 05-40033

CIVIL CASE NO.: 03-50051

v.

UNITED STATES OF AMERICA,

HONORABLE PAUL V. GADOLA

U.S. DISTRICT JUDGE

Respondent.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This is a habeas corpus action under 28 U.S.C. § 2255. Before the Court is Petitioner's petition for a writ of habeas corpus, filed on February 1, 2005, and the Report and Recommendation of Magistrate Judge Steven D. Pepe, filed on November 30, 2006. The magistrate judge's report and recommendation recommended that this Court deny Petitioner's motion. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Whalen's report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court

need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the Report and Recommendation [docket entry 36] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus [docket entry 19] is **DENIED**.

**SO ORDERED.**

Dated: January 5, 2007

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on 1/8/07, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Robert Haviland and Kenneth Sasse, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Mark Mills.

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
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